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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,171	08/30/2001	Tsutomu Yamazaki	011350-285	6809

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EXAMINER

DESIRE, GREGORY M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,171

Applicant(s)

YAMAZAKI, TSUTOMU

Examiner

Gregory M. Desire

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 12-22 is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/30/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communication filed 8/16/05.

Response to Amendment

2. Claims 6-11 examiner refers to MPEP 2114, this relates to intended use. While features of an apparatus may be recited either structurally or functionally. Claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Shiraskaki includes the structure of claims in the application. The use of the word for after the structure applies intended use, thus examiners invokes MPEP 2114.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Shirasaki et al (6,341,176).

Regarding apparatus claims 6 Shirasaki discloses,

A receiving unit (note fig. 1 image inputting unit) for receiving first document image data and second document data obtained by reading respectively a first document and second document each having at least one drawing (examiner refers MPEP 2114).

An extraction means (note fig. 1, block 132, character extracting unit) for extracting a first caption group for identifying the drawing contained in the first document and a second caption group for identifying the drawing contained in the second document (examiner refers MPEP 2114).

A conversion means (note fig. 1 block 130, converting unit) for converting the first caption group and the second caption group into a third caption group so that a character string in the first caption group does not overlap a character string in the second caption group (examiner refers MPEP 2114).

Regarding apparatus claims 7 Shirasaki discloses,

Said conversion means further converts character strings contained in the first document and second document, which are identical to character strings that belong to the first caption group and the second caption group, into character strings that belong to the third caption group (claim refer to the conversion means of claim 6, thus examiner refers MPEP 2114)

Regarding apparatus claims 8 Shirasaki discloses,

Said extraction means recognizes a character string appended in the vicinity of the drawing as caption based on positional information of the drawing character string (claim refer to extraction means of claim 6, thus examiner refers MPEP 2114).

Regarding apparatus claims 9 Shirasaki discloses,

A receiving unit (note fig. 1 image inputting unit) for receiving first document image data and second document data obtained by reading respectively a first document and second document each having at least one drawing (examiner refers MPEP 2114).

A recognizing means (note fig. 1, block 133, character recognizing unit) for recognizing drawing numbers from the first document image data and second document image data (examiner refers MPEP 2114).

A changing means (note fig. 1 block 130, converting unit) for changing corresponding data in the first document image data and the second document image data so that the recognizing drawing numbers do not overlap each other (examiner refers MPEP 2114).

A printing unit (notes fig. 1 block 160 and col. 15 lines 54-55) for printing an image based on the changed first and second document data (examiner refers MPEP 2114).

Regarding apparatus claims 10 Shirasaki discloses,

Said recognizing means recognizes drawing numbers referenced in texts of the document (claim refer to recognizing means of claim 9, thus examiner refers MPEP 2114).

Regarding apparatus claims 11 Shirasaki discloses,

Said changing means changes the corresponding data of the first document image data and the second document image data so that the recognized drawing numbers become serial (claim refer to the changing means of claim 9, thus examiner refers MPEP 2114).

Allowable Subject Matter

5. Claims 1-5 and 12-22 are allowed.

6. The following is an examiner's statement of reasons for allowance for independent claims 1, 4, 12, 15, 18 and 21. The prior art fails to disclose changing unit first document and second document so that the recognized page numbers differ from each. This feature in combination with other features is not taught in the claims. Claims 2-3, 5, 13-14, 16-17, 19-20 and 22 depend on claims 1, 4, 12, 15, 18 and 21. Therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2627

G.D.
October 31, 2005

